

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|---------------------------------|---|-----------------------------------|
| RAFAELA FUNES |) | |
| |) | |
| v. |) | Civil Action No. 3:15-0845 |
| |) | Judge Campbell/Knowles |
| ELECTROLUX HOME PRODUCTS |) | |

REPORT AND RECOMMENDATION

The undersigned previously entered an Order on April 15, 2016 (Docket No. 24), requiring Plaintiff to file with the Court a written explanation showing cause for her failure to serve Defendant within 90 days after the filing of the Complaint pursuant to Fed.R.Civ.P. 4(m). The Order required Plaintiff to file such explanation within fourteen (14) days of the date of entry of the Order, and it also stated in pertinent part, “If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice.”

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court’s previous Order¹. Therefore, the undersigned recommends that **this action be dismissed without prejudice.**

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any

¹ Plaintiff did submit a “Notice of Filing Benefit Review Report” on April 28, 2016, which appears to be a copy of a document issued by the State of Tennessee Bureau of Workers’ Compensation. Docket No. 27. That document does not address the service of the complaint and summons.

response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

A handwritten signature in black ink, reading "E. Clifton Knowles". The signature is written in a cursive, flowing style. The "E" is large and loops around the "Clifton". The "Knowles" is written in a more compact, cursive script.

E. CLIFTON KNOWLES
United States Magistrate Judge